

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
New England Office – Region I
One Congress Street, Suite 1100
Boston, Massachusetts 02114-2023**

August 29, 2007
Mr. Andrew T. Silfer, P.E.
General Electric Company
159 Plastics Avenue
Pittsfield, Massachusetts 01201

Sent via US Mail and Electronic Mail

**RE: Dispute Resolution on EPA's Conditional Approval
Letter for GE's Supplement to the Corrective Measures Study Proposal**

Dear Mr. Silfer:

Upon completion of EPA's review of GE's report entitled "*Housatonic River - Rest of River Corrective Measures Study Proposal Supplement*" (hereinafter "Supplement") submitted on May 11, 2007, EPA issued a Conditional Approval of the Supplement to GE on July 11, 2007. Pursuant to Special Condition II.N.1 of the Reissued RCRA Corrective Action Permit (the "Permit", which is Appendix G to the Consent Decree), GE notified EPA on July 25, 2007 of GE's objections to certain conditions in EPA's Conditional Approval. By that notice, GE invoked dispute resolution with respect to those conditions. As specified in Special Condition II.N.2, the first stage of the dispute resolution is for EPA and GE to have discussions in an effort to resolve the dispute. Upon GE's request, EPA extended the initial 14-day period specified in Special Condition II.N.2 for such discussions until August 24, 2007. In light of the discussions between EPA and GE, EPA has made certain changes to the disputed conditions based upon the understanding that GE will not go forward with the dispute resolution proceeding initiated on July 25, 2007. The revised conditions are set forth in the Attachment to this letter.

The conditions outlined in the Attachment supersede the first three bulletized conditions set forth in Condition No. 4 of EPA's Conditional Approval letter of July 11, 2007. No

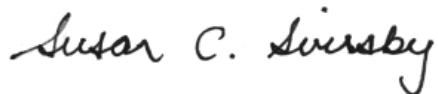
other conditions of that letter are changed by this letter or the Attachment. Pursuant to Special Condition II.N.2 of the Permit, GE shall complete the requirements in the Attachment to this letter.

Nothing in this letter or the Attachment shall be interpreted to modify any approval, conditions in a conditional approval, or disapproval of any other GE deliverable relating to the Corrective Measures Study, unless expressly stated as such by EPA in its response to such deliverable. In addition, EPA reserves all of its rights regarding any future objections or challenges by GE to EPA actions, as well as any other rights that EPA has under the Permit, the Consent Decree, or applicable law.

This letter and the Attachment do not alter GE's requirement to submit the Corrective Measures Study Report under the terms of the Permit. By letter dated August 24, 2007, GE has requested an extension of time for submission of that report. EPA will respond to that request separately.

I understand that, based on this letter and the Attachment, GE will not go forward with the dispute resolution initiated by GE on July 25, 2007. Please contact me immediately if GE does not agree with this understanding.

Sincerely,

A handwritten signature in cursive script that reads "Susan C. Svirsky".

Susan C. Svirsky, Project Manager
Rest of River

Attachment

cc: Mike Carroll, GE

Rod McLaren, GE
Kevin Mooney, GE
James Bieke, Goodwin Procter
Susan Steenstrup, MADEP
Anna Symington, MADEP
Dale Young, MAEOEA
James Milkey, MA AG
Don Frankel, US DOJ
Susan Peterson, CTDEP
Kenneth Munney, USFWS
Ken Finkelstein, NOAA
Holly Inglis, EPA
Tim Conway, EPA
Dean Tagliaferro, EPA
K.C. Mitkevicius, USACE
Mayor James Ruberto, City of Pittsfield
Thomas J. Hickey, PEDDA
Scott Campbell, Weston Solutions
Linda Palmieri, Weston Solutions
Public Information Repositories

ATTACHMENT

Revised Conditions Relating to Corrective Measures Study Proposal Supplement

Condition 4

1. As noted in the species profile for mink in the ERA (WESTON, 2004), mink have home ranges in riverine habitats extending linearly from around 2/3 of a mile to 3-5 miles along shorelines and laterally about 200 meters from the shorelines. Given that approximately 90% of the mink diet is from the aquatic environment and that the tributaries provide little in the aquatic species that comprise the diet, it is reasonable to assume that the mink forage entirely within the 1-ppm isopleth. GE shall limit the exposure area for mink in the PSA to the 1-ppm isopleth.
2. As noted in the species profile for mink in the ERA (WESTON, 2004), female mink have been documented to have home ranges as small as 19.3 and 50.4 acres, and linear home ranges as small as 0.7 mile. All of these ranges are well within the extent of a single subreach. GE shall average exposure concentrations over (1) subreaches 5A and 5B, and (2) subreaches 5C, 5D, and 6, resulting in two averaging areas for the PSA exposures for mink.
3. EPA believes, given further examination of the distributions of the individual-organism BSAFs and BAFs developed for the mink prey species, that use of the geometric mean or median value of those distributions, whichever is higher, is appropriate in calculating exposure concentrations for mink. GE shall use either the geometric mean or median of the BSAF/BAF values, whichever is higher.